In the High Court of Punjab and Haryana, Chandigarh.

Civil Revision No.4271 of 2007

Date of Decision: 16.10.2007

M/s P. Ram Chand & Company

…Petitioner

Versus

M/s Nitco Roadways Limited, Jammu and Another

…Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BINDAL

Present: Mr.Arun Bakshi, Advocate
for the petitioner.

Mr.Deepak Sabharwal, Advocate
for the respondent No.1.

Mr.Neeraj Khanna, Advocate
for Mr.Ravinder Arora, Advocate
for respondent No.2.

RAJESH BINDAL, J.

The challenge in the present petition is to the order dated May 7, 2007 passed by learned Civil Judge (Junior Division), Jalandhar, whereby the application filed by the petitioner/plaintiff for permission to examine Amit Sharma son of Sh. Yash Pal Sharma, partner of petitioner/plaintiff firm in place of Prem Sagar, the ex-partner, has been rejected.

The application was filed for the reason that initially Prem Sagar, ex-partner, was examined and partially cross-examined and since he was no more partner of the firm, he was not appearing for further cross-examination.

Learned counsel for the respondents states that in fact Prem

Sagar was cross-examined by both the parties and they do not want any further cross-examination of that witness, even though as per interim order passed on February 7, 2006, it was recorded that further cross-examination of this witness was deferred.

Once the cross-examination of the witness is already over, there is no need for substitution of any other witness to be produced on behalf of the petitioner/plaintiff.

In view of the above stand of the parties, the present petition is disposed of as such.

(Rajesh Bindal)
Judge

October 16, 2007
"DK"